

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JAN 05 2016

LARRY JAMES FRANKLIN,

Petitioner,

vs.

BOB DOOLEY, Warden,
Mike Durfee State Prison; and
MARTY JACKLEY, Attorney General
of the State of South Dakota,

Respondents.

CIV 15-4149

ORDER

Petitioner Larry James Franklin, an inmate at the Mike Durfee State Prison in Springfield, South Dakota, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Magistrate Judge issued a Report and Recommendation recommending that the Petition be dismissed with prejudice as untimely. Petitioner filed no objections to the Report and Recommendation.

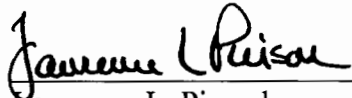
After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation (Doc. 15) is ADOPTED.
2. That Petitioner's Petition for Writ of Habeas Corpus (Doc. 7) is DISMISSED with prejudice.
3. That Respondents' Motion to Dismiss Petitioner's Application for Writ of Habeas Corpus (Doc. 11) is GRANTED.
4. That a certificate of appealability shall not issue.

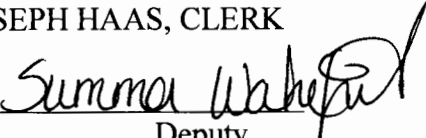
Dated this 5th day of January, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: 
Deputy